

JOURNAL OF THE HOUSE.

Thursday, March 6, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Lord of Goodness and Truth, we look to You for guidance and direction as we address the items on our personal and legislative agenda of the day. We try to respond with Your assistance and to the best of our ability to the legislative and administrative issues of the moment in a thoughtful and mature manner. May we have the vision and the wisdom to resolve today's and future societal challenges in a wise and courageous manner. In this era of worldwide violence and an intolerance of the opinions and religious rights of others, teach us to respect the basic rights, the religious beliefs and the personal human dignity of all people. As citizens of this great country, inspire us to be concerned with the human and spiritual well-being of all within our land.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Dorothy Gail Butler on the occasion of her retirement;

Resolutions (filed by Mr. Driscoll of Braintree) recognizing World Glaucoma Day;

Resolutions (filed by Mr. Finegold of Andover) extending the Commonwealth of Massachusetts' greetings and congratulations to the Iranian-American community on the occasion of Nowruz;

Resolutions (filed by Representatives Rice of Gardner, Gobi of Spencer, Evangelidis of Holden and Polito of Shrewsbury) congratulating the Gardner High School girls swim team on the occasion of winning its fifteenth consecutive state championship;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Kyle Kebler of Wrentham upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Ms. St. Fleur of Boston and other members of the House) congratulating Isaura Mendes for her valuable work in the Dorchester and Roxbury communities;

Resolutions (filed by Mr. Turner of Dennis) congratulations to Jack E. Kearney on the occasion of his retirement; and

Prayer.

Pledge of
allegiance.

Dorothy Gail
Butler.

Glaucoma
Day.

Nowruz.

Gardner
High School,
girls swim
team.

Kyle
Kebler.

Isaura
Mendes.

Jack E.
Kearney.

Matthew Lapan.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Matthew Lapan on receiving the Eagle Award of the Boy Scouts of America;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Community Corrections.

From the Office of the Commissioner of Probation (under Section 5 of Chapter 211F of the General Laws) submitting a report on the Office of Community Corrections;

It

From the Office of Community Corrections (under item 0339-1004 of Chapter 139 of the Acts of 2006) containing a spending and management plan for said office;

Students with disabilities.

From the Department of Education (under Section 432 of the Acts of 2000) submitting a report on student with disabilities;

Workforce standards task force.

From the Executive Office of Labor and Workforce Development relative to the delayed submission of the annual performance report of the Workforce Standards and Performance Accountability Task Force;

Teacher recruitment.

From the Public Employees Retirement Administration Commission (under Chapter 114 of the Acts of 2000) submitting a cost analysis of the Teacher Recruitment, Retention and Retirement Act; and

Department of Youth Services.

From the Department of Youth Services (under Section 16 of Chapter 123A of the General Laws) in lieu of a report on the commitment of sexually dangerous persons;

Severally placed on file.

Annual and Special Reports.

Annual reports

State property.

Of the Executive Office for Administration and Finance (under Section 40K of Chapter 7 of the General Laws) relative to the real property possessed by the Commonwealth for fiscal year 2007;

Commissioner of Banks.

Of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a profile of trust companies, savings banks, co-operative banks and credit unions for the calendar year 2007;

Betsy Lehman Center.

Of the Betsy Lehman Center for Patient Safety and Medical Error Reduction (under Section 16E (f) of Chapter 6A of the General Laws) submitting its annual report for the year 2007;

Conservation and Recreation.

Of the Department of Conservation and Recreation (under Section 3C of Chapter 21 of the General Laws and most recently amended by Section 84 of Chapter 2 of the Acts of 2003) submitting a copy of its annual report for fiscal year 2007;

Municipal police and fire.

Of the Joint Labor-Management Committee for Municipal Police and Fire (under Clause (a) of Subsection 3 of Section 1 of Chapter 589

of the Acts of 1987) relative to results of involving the resolution of a dispute of the provisions of collective bargaining agreements for the fiscal year 2007;

Of MassDevelopment (under Section 29A of Chapter 23G of the General Laws) concerning the Brownfields Redevelopment Fund 2007 annual report;

Brownfields.

Of the Massachusetts Technology Development Corporation (under Section 6 of Chapter 40G of the General Laws) for the fiscal year ending June 30, 2007; and

Technology Development Corporation.

Of the Water Pollution Abatement Trust (under Section 17 of Chapter 29C of the General Laws) of the operations, properties and expenditures of said trust for the year ending June 30, 2007;

Water Pollution Abatement Trust.

Of the Workers' Compensation Advisory Council (under Paragraph 2 of Section 17 of Chapter 23E of the General Laws) relative to the state of the workers' compensation system for fiscal year 2007;

Workers Compensation.

A semi-annual report

Of the Insurance Fraud Bureau (under Section 1(k) of Chapter 338 of the Acts of 1990) containing a spending and management plan for said office;

Insurance Fraud Bureau.

Monthly reports of the Division of Unemployment Assistance (under Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for November and December 2007, and January 2008.

Unemployment Insurance Trust Fund.

Reports

Of the Administrative Office of the Trial Court (under item 0330-3200 contained in Section 2 of Chapter 61 of the Acts of 2007) detailing the number of court officers and associate court officers located in each of the Trial Courts;

Administrative Office of the Trial Court.

Of the Office of the Comptroller (under Section 12(c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2007 (FY07);

Office of the Comptroller.

Of MassDevelopment and the Massachusetts Cultural Council (under Chapter 123 of the Acts of 2006, submitting its first annual report of the Massachusetts Cultural Facilities Fund;

MassDevelopment.

Of the Commonwealth of Massachusetts Commission to End Homelessness (under Chapter 2 of the Resolves of 2006 and Chapter 1 of the Resolves of 2007) submitting its final report;

Commission to End Homelessness.

Of the Executive Office of Housing and Economic Development (under Section 2B of Chapter 123 of the Legislative Acts of 2006) submitting its annual report of the Massachusetts Opportunity Relocation and Expansion (MORE) Jobs Capital Program;

Housing and Economic Development

Of the Massachusetts Housing and Shelter Alliance (under item 4406-3010 contained in section 2 of chapter 139 of the Acts of 2006) on Home and Healthy for Good, a statewide pilot first housing program;

Housing and Shelter Alliance.

Of the Department of Telecommunications and Cable (under Section 2 of Chapter 166A of the General Laws as most recently amended by Chapter 45 of the Acts of 2002) submitting its report concerning petitions for appeal of decisions involving cable television regulation in 2007; and

Telecommunications and Cable.

Project
Bread.

Of Project Bread (under item 4400-1001 of Chapter 139 of the Acts of 2006) relative to the progress of certain programs to alleviate and prevent hunger in the Commonwealth and to expand participation in federal nutrition programs;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Amesbury,
eminent
domain.

By Mr. Costello of Newburyport, petition (accompanied by bill, House, No. 4583) of Michael A. Costello (by vote of the town) relative to limiting the use of eminent domain in the town of Amesbury; and

Watertown,
library
vacancy.

By Ms. Kaprielian of Watertown, joint petition (accompanied by bill, House, No. 4584) of Rachel Kaprielian and Steven A. Tolman (by vote of the town) authorizing the appointment to the Board of Trustees of the public library in the city known as the town of Watertown;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Oceans.

The Senate Bill relative to oceans (Senate, No. 2346, amended) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4527, amended).

Committee of
conference.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators O'Leary, Resor and Tarr had been appointed as the committee on the part of the Senate.

Committee of
conference.

On motion of Mr. Smizik of Brookline, the House insisted on its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Smizik, DeLeo of Winthrop and deMacedo of Plymouth were appointed as the committee on the part of the House. Sent to the Senate to be noted.

Child
abuse.

The House Bill relative to child abuse and neglect (House, No. 4333) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2520.

Under suspension of the rules, on motion of Ms. Coakley-Rivera of Springfield, the amendment was considered forthwith.

Committee of
conference.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Coakley-Rivera of Springfield, Rogers of Norwood and Lepper of Attleboro were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2533) of Stephen M. Brewer and Todd M. Smola for legislation to establish a sick leave bank for John J. Suprenant, an employee of the Department of Social Services; and

John J.
Suprenant,
sick leave
bank.

Petition (accompanied by bill, Senate, No. 2534) of Frederick E. Berry and Theodore C. Speliotis for legislation to establish a sick leave bank for Ronald James, an employee of the Department of Mental Retardation;

Ronald
James,
sick leave
bank.

Severally to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules that, Joint Rule 7B be suspended on the following petitions:

Petition (accompanied by bill) of Garrett J. Bradley that the retirement board of the town of Hingham be authorized to grant certain creditable service for retirement purposes to Glenn Shaw; and

Hingham,
Glenn
Shaw.

Petition (accompanied by bill) of Garrett J. Bradley that the retirement board of the town of Hingham be directed to grant certain creditable service to Donald Lincoln;

Hingham,
Donald
Lincoln.

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Ms. Provost of Somerville, the reports were considered forthwith. Joint Rule 7B then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Robert P. Spellane and others relative to health care cost in the Commonwealth. To the committee on Health Care Financing.

Health care,
cost.

Petition (accompanied by bill) of Christopher J. Donelan for legislation to establish a sick leave bank for Jacqueline Staelens, an employee of the District Court of Greenfield. To the committee on the Judiciary.

Jacqueline
Staelens,
sick leave.

Petition (accompanied by bill) of Garrett J. Bradley that the Board of Retirement be directed to grant a pension to Tavesri-Jantima Boudreau, widow of Joseph R. Boudreau, a retired state police officer;

Joseph
Boudreau,
pension.

Petition (accompanied by bill) of William A. Martin that the retirement board of Worcester County be directed to grant credit to William A. Martin for certain years of employment with said county;

Worcester
County,
William A.
Martin.

Petition (accompanied by bill) of Steven J. D'Amico that the Teachers' Retirement Board be directed to grant creditable service to Jeanne Hicks for service outside of the Commonwealth;

Jeanne
Hicks,
retirement.

Petition (accompanied by bill) of James B. Eldridge for legislation to establish a sick leave bank for Don Harrigan, an employee of the Department of Correction;

Don
Harrigan,
sick leave.

Joseph Rappa, creditable service.

Tobby Ann Miller, sick leave.

Mary M. Dyer, service credits.

Brockton, retirement.

Marya Panzica, sick leave.

Mary Hayes, creditable service.

Roy E. Minnehan, pension.

Disability, retirement.

Carmine Angeloni, retirement.

Francis Torcia, retirement credit.

Jesse Goguen, sick leave.

Deborah A. Jones, sick leave.

Cecelia Davlin, pension benefits.

Deborah McNamara, sick leave.

Joint petition (accompanied by bill) of Jennifer L. Flanagan and Robert A. Antonioni that the State Board of Retirement be directed to grant certain credit to Joseph Rappa, an employee of the Office of Educational Quality Accountability;

Petition (accompanied by bill) of Anne M. Gobi and others for legislation to establish a sick leave bank for Tobby Ann Miller, an employee of the Department of Mental Retardation;

Petition (accompanied by bill) of Rachel Kaprielian that Mary M. Dyer of the town of Watertown be credited with certain service with the state teachers' retirement system;

Petition (accompanied by bill) of Thomas P. Kennedy and others (with the approval of the mayor and city council) relative to the retirement of certain employees of the city of Brockton;

Petition (accompanied by bill) of Peter V. Kocot and Stanley C. Rosenberg that the Department of Mental Retardation be authorized to establish a sick leave bank for Marya Panzica, an employee of said department;

Petition (accompanied by bill) of James M. Murphy relative to authorizing the state board of retirement to grant creditable service to Mary R. Hayes;

Petition (accompanied by bill) of Robert J. Nyman and others that the State Retirement Board be authorized to grant disability retirement benefits to Roy E. Minnehan for injuries sustained by him in the performance of his duties as a member of the Division of State Police;

Petition (accompanied by bill) of Matthew C. Patrick for a change in the law relative to increasing allowances payable to former public employees retired for accidental disability;

Petition (accompanied by bill) of Thomas M. Petrolati relative to the retirement benefits payable to Carmine Angeloni;

Joint petition (accompanied by bill) of Angelo J. Puppola, Jr., and Stephen J. Buoniconti that the State Retirement Board be directed to grant certain credit to Francis C. Torcia, an employee of the office of the Treasurer and Receiver-General of the Commonwealth;

Petition (accompanied by bill) of Robert L. Rice, Jr., and others for legislation to establish a sick leave bank for Jesse Goguen, an employee of the Department of Correction;

Petition (accompanied by bill) of Richard J. Ross for legislation to establish a sick leave bank for Deborah A. Jones, an employee of the Department of Mental Retardation;

Petition (accompanied by bill) of Michael F. Rush that the State Retirement Board be directed to pay certain pension benefits to Cecelia Davlin; and

Petition (accompanied by bill) of Walter F. Timilty for legislation to establish a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Ms. Provost of Somerville, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill prohibiting campaign signs on public property (House, No. 641),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Public property, campaign signs.

By Mr. Kaufman of Lexington, for the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2638) of Barbara A. L'Italien and others for legislation to designate the "necktie" as the official men's accessory of the Commonwealth; and

Men's accessory, necktie.

Of the petition (accompanied by bill, House, No. 4270) of Antonio F. D. Cabral and others for legislation to regulate the investment of public pension funds in certain companies doing business in the countries of Iran and South Africa;

Iran, pension funds.

And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Kaufman of Lexington, for the committee on Public Service, on the joint petition, a Bill establishing a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction (House, No. 4571). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Donna L. Monfredo, sick leave.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Turkington of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to incurring indebtedness in the town of Ipswich (Senate, No. 2445, changed) be scheduled for consideration by the House.

Ipswich, indebtedness.

Under suspension of Rule 7A, on motion of Mr. Turkington of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the operation of the sewer system of the town of Ipswich (Senate, No. 2446) be scheduled for consideration by the House.

Ipswich, sewer system.

Under suspension of Rule 7A, on motion of Mr. Turkington of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 4, 7, 417 and 438, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning regional schools (House, No. 4578).

Regional schools, study.

School building assistance, study.

Education Reform.

Charter schools, study.

State seal and motto.

Housing, production and preservation.

Election results, audits.

Automatic sprinkler systems, installation.

By the same member, for the same committee, on House, Nos. 4, 9, 398, 422, 472, 473, 535, 555, 581 and 593, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning school building assistance and civil rights (House, No. 4579).

By the same member, for the same committee, on House, Nos. 4, 10 and 488, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education reform (House, No. 4580).

By the same member, for the same committee, on House, Nos. 4, 11, 424, 425, 464, 494, 495, 504, 510, 518, 526, 530, 531, 532, 533, 567, 575 and 589, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning charter schools (House, No. 4581).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Resolve providing for the creation of a special commission relative to a new seal and new motto for the Commonwealth (House, No. 3412). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, to whom were referred the Bill financing the production and preservation of housing for low and moderate income residents (printed in House, No. 4375), and the Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4472) reports that the bill (House, No. 4472) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4582) [Annual Obligation Bond Authorization: \$1,255,000,000.00; De-authorizations: \$383,262,077.00]. Referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill to provide for audits of election results (House, No. 671).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill further regulating the installation of automatic sprinklers (House, No. 2284, changed by inserting after section 3 the following section:

“SECTION 3A. The fourth paragraph of said chapter 148, as so appearing, is further amended by adding to said paragraph the following sentence:— The board may grant a reasonable waiver from the

provisions of this section, or may allow the installation of a reasonable alternative or modified system of automatic sprinklers upon reviewing the characteristics of buildings that have architectural or historical significance.”).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bill.

The engrossed Bill providing for recall elections in the town of Wrentham (see Senate, No. 2290) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to property tax exemptions in the town of Swampscott (Senate, No. 2324), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill relative to nursing facility and long term care claims (House, No. 1134), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill to promote the safety of victims of violence (House, No. 4348) was read a second time; and it was ordered to a third reading.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

At twenty-four minutes before twelve o’clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M., in an Informal Session.